

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

District of

Division

Case No.

8:23CV486

(to be filled in by the Clerk's Office)

Rick D. Robinson

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Refer to Document #1
IRS Employees (Names unknown)

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

FILED
 U.S. DISTRICT COURT
 DISTRICT OF NEBRASKA
 2023 NOV -2 AM 11:11
 OFFICE OF THE CLERK

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

RECEIVED

NOV 02 2023

CLERK
U.S. DISTRICT COURT

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name LEON ROBINSON
 All other names by which
 you have been known: _____
 ID Number 210550
 Current Institution Retention and Treatment Center
 Address PO Box 22800
Lincoln NE 68542
 City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name IRS Employees (Names not known)
 Job or Title (*if known*) _____
 Shield Number _____
 Employer Internal Revenue Service - Atlanta Refund
 Address 4800 Beauford Hwy, Mailstop 112
Chamblee GA 30341
 City State Zip Code
☒ Individual capacity ☐ Official capacity

Defendant No. 2

Name _____
 Job or Title (*if known*) _____
 Shield Number _____
 Employer _____
 Address _____

 City State Zip Code
☐ Individual capacity ☐ Official capacity

Defendant No. 3

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐ Individual capacity☐ Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐ Individual capacity☐ Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☒ Federal officials (a *Bivens* claim)

☐ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Refer to Document #2

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

See Document #3

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

In 2020, April, Federal Stimulus money was deposited into an account at Trius Federal Credit Union in Kearney, NE. Part of that money was mine and I have not received it. In December of 2021, I received a letter from the IRS, (Refer to Fed. Case 8:23cv48).

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

- C. What date and approximate time did the events giving rise to your claim(s) occur?
- Oct. 2020 - Plaintiff files tax return to claim Fed. stimulus funds
 Dec. 2021 - letter received from IRS stating that part of claimed money
 has been paid. ~~Amount~~
 Feb.-Mar. - letter received from IRS that an amount of \$2,800 was deposited
 into account @ Trius Fed. Credit Union in Keene, NH (Plaintiff was
 in prison at time)
- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)
- Charline Robinson - Plaintiff's ex-wife, has bankal @ Trius Fed. Credit Union for a long time & filed a tax return for year 2019 and Plaintiff's stimulus money was deposited into an account that belonged to her.
 - IRS Employees - Plaintiff has requested a copy of the tax return that caused his Fed. stimulus money to go to ex-wife's account. IRS refuses to provide copy

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

- emotional distress - refer to Fed. case 8:23CV418,
- ex-wife Charline Robinson filed a protection in bad faith;
- her theft of Fed money and fraudulent actions since have wrongfully imprisoned the Plaintiff for 5 years (as of the writing of this action)
- while amount involved may be insignificant to a person not in prison, it's a hardship to a wrongfully convicted person

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Plaintiff wants court to award punitive damages in the amount of \$500,000,000 dollars. He has a right to a full, uncensored copy the return that involves the disposition of his rightful money. Charline Robinson received his money and will not provide a copy of the return she filed. The IRS agents involved are conspiring to protect Charline for unknown reasons.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☒ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

*Nebraska State Penitentiary, Omaha Correctional Center,
Detention and Treatment Center*

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

2. What did you claim in your grievance?

3. What was the result, if any?

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

Not a grievable action

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Lirk Robinson

Defendant(s) Charlie Robinson

2. Court (if federal court, name the district; if state court, name the county and State)

Fed- U.S. District Court for the State of Nebraska

3. Docket or index number

8:23CV418

4. Name of Judge assigned to your case

Joseph Battillion

5. Approximate date of filing lawsuit

October 2, 2023

6. Is the case still pending?

☒ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

☒ Yes☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Kirk Robinson

Defendant(s) Taggart Boyd, et al

Refer to Document #4

2. Court (if federal court, name the district; if state court, name the county and State)

D.S. District Court for Nebraska

3. Docket or index number

8:22cv412

4. Name of Judge assigned to your case

Joseph Buterlian

5. Approximate date of filing lawsuit

December of 2022

6. Is the case still pending?

☒ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10/26/2023

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Kirk Robinson
210550
PO Box 22800
Lincoln NE 68542
City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City State Zip Code

Telephone Number

E-mail Address

DOCUMENT #1

List of Defendants

If the Court would view documentary evidence submitted with case 8:23CV418, the letters of response from the IRS are or contain the names of those employees to be named as defendants. This by no means would constitute all of those IRS employees who would have been involved in the investigation of my claim of identity theft and tax fraud.

DOCUMENT #2

Constitutional Rights Violated include but are not limited to the following:

- 5th and 14th amendment right to due process
- 14th amendment right to equal protection
ie, equality before the law.
- 8th amendment right to not be subject
to cruel and unusual punishment (deliberate
indifference)

DOCUMENT #3

The IRS employees that investigated my claims acted under the color of federal law because as federal employees they violated the following federal statutes:

- § 0.179a - Enforcement (Obstruction of Justice)
- U.C.A. 1953 § 76-8-306 (Obstruction of Justice)
- U.S.C.A. § 245 - Federally protected activities, (Interference)
 - ↳ My request for a copy of the tax return that pertains to the stimulus money stolen from me should be provided to me by dint of its relation to those funds. Just because I'm in prison and my ex-wife was the person who filed, she made it seem as if we were still married.
- § 846 - Attempt and Conspiracy

Document #4

Case no. 8:22CV151

Plaintiff(s): Kirk Robinson

Defendant(s): Vanklengen, et al

In the Federal court for the State of Nebraska

Presided over by Judge Joseph Batallion

Date filed - Approximately May of 2022

Case is still pending

Case no. 8:23 cv 452

Plaintiff(s): Kirk Robinson

Defendant(s): Richard Kopf

In the Federal court for the State of Nebraska

Presided over by Judge Joseph Batallion

Date filed - Approx. October 17, 2023

Case is pending

Case no. 8:22CV398

Plaintiff(s): Kirk Robinson

Defendant(s): Omaha Correction Center et al.

In the Federal district court for the state of Nebraska

Date filed: Approx. November to December of 2022

Case is pending

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Filed.



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Inmate Name Kirk Robinson
(First) (Last)
Inmate # 210550
P.O. Box 22800
Omaha, NE 68142-2800

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NOV 02 2023

CLERK
U.S. DISTRICT

TO:

*U.S. District Court
111 S. 18th St., Ste 1152
Omaha, NE 68102*

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